

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-32549 - APPLICANT: P'S AUTO SALES - OWNER: BEARD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 1, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (3-2/vq/gt vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-1167) and Special Use Permit (SUP-32548) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan date stamped 01/22/09 and building elevations date stamped 12/09/08, except as amended by condition here in.
4. An Exception from Title 19.10.010(J)(11) is hereby approved, to allow zero parking lot landscape islands where two are required.
5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a Certificate of Occupancy, to reflect the changes herein: The site plan shall be revised to indicate the location of required parking spaces per Title 19.04.010 and to indicate the parking spaces utilized for the parking and storage of vehicles that are on display or for sale; Relocate the proposed trash enclosure in conformance with the requirements of Title 19.08.050.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Provide a minimum of four, five-gallon shrubs per required tree.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. The air conditioning unit on the roof shall be screened from view as required by Title 19.08.050(E)(4)(c).
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Dedicate an additional 10 feet of right-of-way for a total radius of 25 feet on the northeast corner of Sahara Avenue and Las Verdes Street prior to the issuance of any permits.
15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Remove driveways 2 and 3 (as identified on the submitted site plan) and replace with sidewalk, curb and gutter. All work within the Sahara Avenue right-of-way shall also receive approval from the Nevada Department of Transportation.

16. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
17. Landscape and maintain all unimproved right-of-way, if any, on Sahara Avenue adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public right-of-way adjacent to this site prior to the issuance of any permits.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-1167) for a proposed Motor Vehicle Sales (Used) Establishment on 0.55 acres located at 3920 West Sahara Avenue. The applicant has also submitted applications for a General Plan Amendment (GPA-32167) to change the General Plan designation from SC (Service Commercial) to GC (General Commercial), a Rezoning (ZON-32168) from C-1 (Limited Commercial) zone to C-2 (General Commercial) zone and a Special Use Permit (SUP-32548) to allow Motor Vehicle Sales (Used) with a Waiver to allow a 23,900 square-foot lot where 25,000 square feet is the minimum required. The isolation of this parcel from others zoned and planned for General Commercial uses, isolation from other Motor Vehicle Sales (Used) establishments, as well as the Waiver requested through the Special Use Permit, indicate that this site is not an appropriate location for the proposed use; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
c. 1965	The existing structure at 3920 West Sahara Avenue was constructed.
11/15/95	The City Council approved a Variance (V-0136-95) to allow a 14-foot by 48-foot Off-premise Advertising (Billboard) Sign where such use is not permitted in a C-C (Neighborhood Commercial Center) zone. The Board of Zoning Adjustment recommended denial of this request.
05/27/97	The City Council approved a Rezoning (Z-0029-97) from C-C (Neighborhood Commercial Center) to C-1 (Limited Commercial) at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
01/17/01	The City Council approved a Required Five-Year Review [V-0136-95(1)] to allow a 14-foot by 48-foot Off-premise Advertising (Billboard) Sign where such use is not permitted in a CC (Neighborhood Commercial Center) zone. The Board of Zoning Adjustment made no recommendation due to a conflict of interest, staff recommended approval of this request.
07/17/02	The City Council approved a Special Use Permit (U-0053-02) to allow a Minor Automotive Repair Facility located at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
12/05/02	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-1167) for the conversion of an existing Retail building for use as a Minor Automotive Repair Facility on 0.55 acres located at 3920 West Sahara Avenue.

05/12/04	A Code Enforcement complaint (#14751) was issued against 3920 West Sahara Avenue for signage violations. The case was resolved 10/26/04.
09/13/04	A Code Enforcement complaint (#21525) was issued against 3920 West Sahara Avenue for a vehicle for sale on the subject property. The case was resolved 09/13/04.
04/19/06	The City Council approved a Required Two-Year Review (RQR-11432) of an approved Variance (V-0136-95) which allowed a 40-foot tall, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign where such use was not permitted at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
12/17/08	A Code Enforcement complaint (#72824) was issued against 3920 West Sahara Avenue for graffiti, signage, weeds, and landscape violations. The case is still open pending resolution.
02/04/09	The City Council will consider a request for a Required Review of an approved Variance (V-0136-95) for a 40-foot tall, 14-foot x 48-foot Off-Premise Sign (Billboard) where such use was not permitted at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
01/22/09	The Planning Commission recommended denial of companion items GPA-32167, ZON-32168 and SUP-32548 concurrently with this application. The Planning Commission voted 3-2/vq/gt to recommend DENIAL (PC Agenda Item #26/dc).
<i>Related Building Permits/Business Licenses</i>	
12/21/95	A building permit (#95885147) was issued for the installation of a 14-foot x 48-foot Off Premise Advertising (Billboard) Sign at 3920 West Sahara Avenue. The permit received final approval on 02/20/96.
01/16/03	A building permit (#03000927) was issued for the installation of a sign (Tag #06611) at 3920 West Sahara Avenue. The permit received final approval on 01/27/03.
01/23/03	A Non-Work Certificate of Occupancy (#03000658) was issued at 3920 West Sahara Avenue.
03/20/03	A business license (#G02-00652) was issued for minor automotive/brake repair at 3920 West Sahara Avenue. The business license was marked out on 12/11/08.
<i>Pre-Application Meeting</i>	
11/14/08	A pre-application meeting was held with the applicant to discuss the submittal requirements for a General Plan Amendment, Rezoning, Special Use Permit and a Site Development Plan Review to allow a proposed Motor Vehicle Sales, Used business were addressed.

Neighborhood Meeting	
12/10/08	<p>A neighborhood meeting was held at the Palace Station Hotel and Casino, 2nd floor Training Room, 2411 West Sahara Avenue, Las Vegas, Nevada 89102. There was one representative of the applicant, one member of Planning and Development Staff, the Ward 1 Councilwoman and Liaison, and six members of the general public in attendance.</p> <p>The applicant explained the proposed change in the use of the property, and the associated requirement for a General Plan Amendment and Rezoning.</p> <p>Questions and comments from the public were as follows:</p> <ul style="list-style-type: none">• Concerns were raised about patrons test driving vehicles in the residential neighborhood to the north of the subject site. The applicant responded that they were amenable to restrictions on test drives and would also support right-turn restrictions from the property onto Las Verdes Street in order prevent commercial traffic from entering the residential neighborhood.• Concerns were raised about vehicular traffic and the fact that the property is along a route children use to walk to school, and that there is also a day care center north of the subject property. The Ward 1 Liaison noted that Las Verdes Street has been selected for pedestrian improvements under the "Safe Routes to School" program.• A question was raised regarding whether there would be limits on the number of cars on display. It was suggested that a restriction of approximately 10-12 cars as a condition of approval might be appropriate.• A resident asked if there would be adequate parking for patrons on site; the applicant responded that the code requires adequate parking for customers in addition to the space used for vehicle display.• A question was asked as to the age of the vehicles that would be sold; a concern was noted over the aesthetics of having numerous older vehicles stored on the property. The applicant stated that she didn't know the average age of the vehicles, but stated that the zoning code did not allow the storage of inoperative or "junked" vehicles under the proposed use category.• A resident asked if the existing buildings were going to be demolished for the new business; it was explained that the existing buildings would remain in place.• A question was raised as to whether repairs would be done on site; the applicant explained that minor repairs would be done in order to prepare the vehicles for sale, but that this was not to be an automotive repair facility. <p>The general consensus among the residents was that the use would not be obtrusive as long as restrictions were put in place to prevent test drives in the residential neighborhood, and that it would be better to have the site occupied rather than sitting vacant.</p>

Field Check	
12/04/08	A field check was performed by staff at the subject property. The site was noted as a vacant commercial building with weeds and debris on site. Some faded parking lot striping was noted, the building contained a non-permitted temporary sign (banner) and a dead tree was observed in the western landscape buffer. Additionally the site was noted to be in violation of Conditions #1 and #2 of Site Development Plan Review (SDR-1167), which required the rooftop mechanical equipment to be screened and a trash enclosure to be built on site.

Details of Application Request	
Site Area	
Gross Acres	0.55

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)
East	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)
West	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200 Feet)	X		Y*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject property is located within the North Las Vegas Airport Overlay Map within the 200-foot height limitation contour. The existing building on the subject property does not extend beyond this limitation.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A*	23,977 SF	N/A*
Min. Lot Width	100 Feet	150 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 Feet 10 Feet 15 Feet 20 Feet	37 Feet 67 Feet 23 Feet 53 Feet	Y Y Y Y
Max. Lot Coverage	50%	7.6%	Y
Max. Building Height	N/A	+/- 15 Feet	N/A
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Unscreened	N

* While there are no minimum lot size requirements in a proposed C-2 (General Commercial) zone, the applicant is proposing a Motor Vehicle Sales (Used) Establishment on the subject property. This use requires a minimum lot size of 25,000 square feet, which the applicant has requested a Waiver from as part of Special Use Permit (SUP-32548).

Pursuant to Title 19.12.040, the following landscape standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	2 Trees*	Zero Trees*	N*
Buffer:				
Min. Trees	1 Tree/30 Linear Feet	6 Trees**	6 Trees**	Y**
TOTAL		8 Trees	6 Trees**	Y**
Min. Zone Width	12 Feet		12 Feet**	Y**
Wall Height	6-8 Feet		None	Y

* The landscape plan approved in conjunction with Site Development Plan Review (SDR-1167) permitted zero trees to be provided for the five existing parking spaces. The applicant is revising the site plan through this review to include an additional twelve parking spaces along the eastern perimeter on the subject property. An Exception has been requested to allow zero trees where two are required.

** As approved through Site Development Plan Review (SDR-1167).

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Motor Vehicle Sales (Used)	1,800 SF	1 space / 500 SF of enclosed gross floor area	3	1	16	1	
TOTAL			4		17		Y

The following table compares the approved Site Development Plan Review with the proposed Major Modification to an approved Site Development Plan Review :

<i>Standard</i>	<i>Previously Approved Through SDR-1167</i>	<i>Proposed Through SDR-32549</i>	<i>Deviation</i>
Building Standards <ul style="list-style-type: none"> Total Square Footage <ul style="list-style-type: none"> Auto Repair Bays Office Number of Buildings Building Height Building Materials 	1,800 SF 1,215 SF 585 SF 1 Not Provided Existing Stone Veneer & Wood Siding	1,800 SF 1,215 SF 585 SF 1 Not Provided Existing Stone Veneer & Wood Siding	0% 0% 0% 0% N/A N/A
Site Layout <ul style="list-style-type: none"> Parking Spaces Handicap Parking 	8 1	16 1	50% 0%
Landscape <ul style="list-style-type: none"> Perimeter Trees Parking Lot Trees 5-Gallon Shrubs Provided 	6 0 38	6 0 10	0% 0% -73%

<i>Exception</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
To allow no parking lot landscape islands	One parking lot landscape island with one 24-inch box tree per every six uncovered parking spaces	Denial

ANALYSIS

- **Land Use and Zoning**

The subject site is located in the Southeast Sector of the 2020 Master Plan and has a current General Plan designation of SC (Service Commercial). A General Plan Amendment (GPA-32167) to change the designation to GC (General Commercial) has been submitted along with the Rezoning request. The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

A companion application to Rezone (ZON-32168) the site from the C-1 (Limited Commercial) district to the C-2 (General Commercial) district has also been submitted by the applicant. The proposed C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

With the approval of the proposed Rezoning (ZON-32168) to the C-2 (General Commercial) zoning district and General Plan Amendment (GPA-32167) to the GC (General Commercial) land use designation, the proposed Motor Vehicle Sales (Used) establishment associated with this Major Amendment to an approved Site Development Plan Review will be permissible with the approval of the proposed Special Use Permit (SUP-32548) to allow Motor Vehicle Sales (Used).

- **Site Plan**

The site is located at the northeast corner of Sahara Avenue and Las Verdes Street. The site plan indicates an existing single-story, 1,800 square-foot building constructed in 1965 located roughly at the center of the parcel at a 45-degree angle facing the corner of Sahara Avenue and Las Verdes Street. An existing 40-foot tall Off Premise Advertising Sign (Billboard) is located near the southeast corner of the property. The site plan remains similar to the approved Site Development Plan Review (SDR-1167), with the exceptions of added parking along the eastern perimeter, the redesign of the handicapped van-accessible parking space and the provision of a trash enclosure at the northeast corner of the site.

The applicant is providing 17 total parking spaces where four are required, consisting of 16 standard spaces and one handicapped van-accessible space. Four standard parking spaces, as approved through Site Development Plan Review (SDR-1167) will remain adjacent to the southeast face of the building in addition to the handicapped van-accessible parking space at the southwest face of the building. The handicapped van-accessible parking space has been modified from the previous approval to reflect current code requirements of one five-foot and one eight-foot access aisle on each side of the space; however, the general location and layout remains the same as previously approved. The applicant is adding twelve new standard parking spaces adjacent to the eastern perimeter of the site in order to provide parking for the proposed Motor Vehicle Sales (Used) use which requires the parking and storage of vehicles that are on display or for sale to occur only in spaces that are in excess of the required minimum parking.

Access to the site will be provided from two existing 32-foot wide driveways fronting Sahara Avenue and two existing 32-foot wide driveways fronting Las Verdes Street. Las Verdes Street is a 51-foot wide Local Street, according to the Master Plan of Streets and Highways and serves as both a commercial and residential street. Concerns were raised at the neighborhood meeting regarding access to Las Verdes Street, automobile test drives in the residential neighborhood and the fact that Las Verdes Street serves as an access to an existing Public School, Primary approximately 1,600 feet to the north. No restrictions on access to Las Verdes Street have been proposed through the site plan submitted.

At the time a field check was performed by staff, a trash enclosure as required per Condition #2 of Site Development Plan Review (SDR-1167) was not noted on site. The submitted site plan proposes to locate a trash enclosure at the northeast corner of the property with a zero-foot setback from the north and east property lines. A condition has been added requiring the applicant to relocate the proposed trash enclosure within the required setbacks of Title 19.08.050.

- **Landscape Plan**

The landscape plan submitted depicts no new modifications or additions to the landscape plan approved through Site Development Plan Review (SDR-1167), with the exception of the number of five-gallon shrubs provided. The previous landscape plan was approved with a zero-foot landscape buffer along the east and north perimeters, and 12-foot landscape buffers along the south and west perimeters. A total of six, 24-inch box trees with four, five-gallon shrubs per tree were required within the approved landscape planters; the current plans reflect the approved trees with only 10, five-gallon shrubs where 24 are required and 36 were originally provided. A condition has been added requiring the applicant to provide four, five-gallon shrubs for each required tree.

With the addition of the 12 parking spaces proposed through this review, the applicant is required to provide two parking lot landscape islands with one, 24-inch box tree and four, five-gallon shrubs provided in each island. The applicant has requested an Exception to this requirement to allow zero parking lot landscape islands. The addition of two parking lot landscape islands with 24-inch box trees will greatly enhance the eastern perimeter of this site, as this area of the subject property and nearby surrounding properties is currently devoid of landscape. Staff recommends denial of this request as the site plan indicates there is ample room to locate additional landscape.

- **Elevations**

The applicant has submitted photographs in lieu of elevations of the existing building. The exterior of the building will remain the same as approved through Site Development Plan Review (SDR-1167). The photographs indicate the southwest elevation will contain three garage door service bays which face the public rights-of-way of Sahara Avenue and Las Verdes Street, glass storefront windows and stone veneer. The service bays, which face the public rights-of-way, are allowable as they were approved as part of Site Development Plan Review (SDR-1167).

The northwest elevation contains stone veneer and wood siding with no windows while the southeast elevation contains glass storefront windows, an exit door and wood siding with stone accents. The northeast elevation contains three garage door service bays, wood siding, a small storage shed and an exterior-mounted evaporative cooler. The colors utilized on the building are white with red colored roll-up doorways, a red exit door and dark brown trim at the roofline with red and yellow accent stripes. An existing stone veneer column painted red with existing approved, permitted signage is visible above the roofline of the building.

An unscreened rooftop-mounted air conditioning unit was noted on the roof of the existing structure. Condition of Approval #1 of Site Development Plan Review (SDR-1167) required the applicant to screen the air conditioning unit from view; the site inspection and photographs submitted by the applicant indicate this Condition has not been addressed. A condition has been added requiring the applicant to screen the air conditioning unit on the roof per Title 19.08.050(E)(4)(c).

- **Floor Plan**

The floor plan for the existing building depicts three automotive service bays totaling 1,215 square feet in size and an existing 585 square-foot office. No indications on the plans have been made as to the specific uses of each room within the building; however the floor plan as proposed through this review remains unchanged from the floor plan approved through Site Development Plan Review (SDR-1167).

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development is not compatible with adjacent development and development in the area as the applicant is seeking a zoning designation, land use designation, and proposed use which is too intense for the surrounding area.

2. **“The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;”**

With the approval of the associated request for a General Plan Amendment (GPA-32167) to the GC (General Commercial) land use designation for the site, the proposed development will become the only GC (General Commercial) property within the surrounding area. Additionally, the Waiver requested for the Special Use Permit (SUP-52548) to allow a 23,900 square-foot parcel where 25,000 square feet is the minimum required indicates the subject property is not appropriate for the proposed Motor Vehicles Sales (Used) use.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

Two existing driveways to Sahara Avenue, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways, will provide adequate access to the site. Additional access is gained from two existing driveways to Las Verdes Street, a 51-foot Local Street according to the Master Plan of Streets and Highways; however, concerns were raised at the neighborhood meeting regarding automobile test drives in the residential neighborhood and the fact that Las Verdes Street serves as an access to an existing Public School, Primary approximately 1,600 feet to the north. Staff notes that the proposed use will have a negative impact on the surrounding neighborhood if test drive restrictions are not implemented by the applicant.

4. **“Building and landscape materials are appropriate for the area and for the City;”**

The buildings materials are appropriate for the area and for the City as the structure has been on subject property since 1965 and approved through Site Development Plan Review (SDR-1167). The landscape materials are not appropriate as the site is currently under landscaped and the applicant has requested an Exception to provide no parking lot landscape islands where two are required. The site provides ample room for the minimum required landscaping.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The building elevations, design characteristics and architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance. Staff notes that the applicant is not updating, altering, painting or modifying the existing building in any way since the previous Site Development Plan Review (SDR-1167) was performed on 03/17/03.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed Major Amendment to an approved Site Development Plan Review will not impact public health, safety, or welfare since the development will be subject to the International Building Code and City inspections during construction.

PLANNING COMMISSION ACTION

The Planning Commission recommended amending conditions 3 and 5 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 301 by City Clerk

APPROVALS 0

PROTESTS 0